

SUBCHAPTER F—SPECIAL CATEGORIES OF CONTRACTING

PART 2835—RESEARCH AND DEVELOPMENT CONTRACTING

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AUTHORITY: 28 U.S.C. 510; 40 U.S.C. 486(c); 28 CFR 0.75(j) and 0.76(j).

SOURCE: 50 FR 4465, Jan. 30, 1985, unless otherwise noted.

2835.001–70 Definitions.

(a) *Research* is a systematic, intensive, scientific study including experimentation directed toward increasing knowledge and understanding of those fields of the sciences related to the solution of mission related problems.

(b) *Development* as used in the JAR, is the systematic use of the knowledge and understanding derived from research efforts directed toward the solution of specific problems or the formulation of specific projects or processes, and the subsequent production of useful materials, devices, systems, methods, or prototypes.

(c) *Research and development activities* are those activities which include: Strategic planning and analysis leading to the performance of research or development; research or development leading to the creation of prototype equipment or processes; as well as operational testing; experimentation; field implementation; and evaluation of such equipment or processes. The following are illustrative of research and development activities: Theoretical analyses; exploratory studies and experiments in any field of science and technology; developmental efforts requiring the practical application of investigative findings and theories of a scientific or technical nature; the use of such quantities and kinds of equipment, supplies, parts, accessories, or patent rights thereto and drawings or designs thereof as well as services, tests, and reports necessary for, or incidental to the performance of experimental, developmental or research work. The term *research and development activities*, as used in this part, or-

dinarily encompasses those activities listed above. However, in an exceptional case, depending upon the particular facts, some kinds of efforts not set forth above could be categorized as *research and development activities* within this part. These activities do not ordinarily include: Routine product testing; quality control; mapping; collection of general purpose statistics; experimental production; routine evaluation of an experimental program or an operational program; activities concerned primarily with the dissemination of scientific information or the training of scientific and technical personnel. However, in an exceptional case, depending upon the particular facts and circumstances, some kinds of efforts excluded in the preceding sentence could be research and development activities within this supplemental regulation.

§ 2835.003–70 Policy and procedures.

Requiring activities and contracting offices shall adhere to the policies and procedures in this Section in acquiring R&D services.

(a) Acquisition approvals. All requirements for R&D activities of more than \$25,000 shall be submitted to the Assistant Attorney General for Administration (AAG/A) for approval prior to solicitation and award by the contracting office. Requirements for R&D will be submitted for approval via the Systems Policy Staff, OIT, and the Office of the Procurement Executive, who will review the submission and recommend to the AAG/A the appropriate action. The proposed R&D project shall be reviewed for the following elements.

(1) The requirement is not duplicative of any R&D activity previously conducted or in progress.

(2) The statement of work clearly and adequately describes the objectives of the R&D project.

(b) Contracting for R&D requirements. Approval of the requirement by the AAG/A does not constitute approval of the method of procurement or contract type. Such decisions will be made by the contracting officer in accordance with applicable regulations.

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(c) R&D requirements of \$25,000 or less shall be approved by the heads of the contracting activity as defined in 2802.102(c) following review by the Systems Policy Staff and Office of the Procurement Executive.

[51 FR 759, Jan. 8, 1986]

2835.005-70 Work statement.

(a) The preparation of a clear, concise, and complete statement of work is essential to sound contracting for R&D activities. Work statements must be individually tailored by technical and contracting personnel to attain the desired degree of flexibility for contractor creativity, both in submitting proposals and in contract performance. Distinction must be made between level of effort (term) work statements which generally require the furnishing of technical effort and a report on the results thereof, and task (completion)

work statements which generally require development of tangible end items designed to meet specific functional requirements.

(b) In preparing statements of work for R&D activities the following elements shall be considered:

(1) A general description of the required objectives and the desired results;

(2) All background information helpful to a clear understanding of the requirements and how they evolved;

(3) Technical considerations which affect the requirements such as known specific phenomena or techniques;

(4) A detailed description of the technical requirements and subordinate or associated tasks;

(5) A description of the reporting requirements and any other deliverable items such as data, experimental hardware, prototypes, etc.; and,

(6) Other special considerations.